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12 ATR-KIM ENG FINANCIAL CORPORATION and  
13 ATR-KIM ENG CAPITAL PARTNERS, INC.

14 UNITED STATES DISTRICT COURT  
15  
16 NORTHERN DISTRICT OF CALIFORNIA  
17  
18 SAN FRANCISCO DIVISION

19 ATR-KIM ENG FINANCIAL CORPORATION  
20 and ATR-KIM ENG CAPITAL PARTNERS,  
21 INC.,

22 Plaintiffs,

23 v.

24 HUGO NERY BONILLA and MONICA  
25 ARANETA,

26 Defendants.

No. CV 07-6239 SC

STIPULATION RE REASSIGNMENT  
TO BANKRUPTCY COURT;  
~~PROPOSED~~ ORDER THEREON

HOWARD  
RICE  
NEMEROVSKI  
CANADY  
FALK  
& RABKIN  
A Professional Corporation

27 STIPULATION RE REASSIGNMENT; ORDER THEREON

1 Plaintiffs ATR-Kim Eng Financial Corporation and ATR-Kim Eng Capital Partners,  
 2 Inc. (collectively, "ATR") and Defendants Hugo Nery Bonilla ("Bonilla") and Monica  
 3 Araneta ("Araneta") (collectively, the "Parties"), by and through their respective  
 4 undersigned counsel, hereby enter into this Stipulation with reference to the following  
 5 recitals.

## 6 RECITALS

7 WHEREAS, ATR initiated an action against Bonilla and Araneta in the San Mateo  
 8 County Superior Court, alleging claims of fraudulent transfer of certain real property in  
 9 Hillsborough, California (the "ATR Action");

10 WHEREAS, after commencement of the ATR Action, Bonilla filed a Chapter 7  
 11 bankruptcy petition in the United States Bankruptcy Court for the Northern District of  
 12 California ("Bankruptcy Court"), now pending before the Hon. Thomas E. Carlson as *In re*  
 13 *Hugo N. Bonilla*, Bank. No. 07-30309 (the "Bonilla Bankruptcy");

14 WHEREAS, on December 10, 2007, ATR filed a notice of removal in this Court and  
 15 removed the ATR Action from San Mateo County Superior Court to this Court, where it  
 16 now is pending as the above-captioned action;

17 WHEREAS, on April 7, 2008, Judge Carlson of the Bankruptcy Court issued an order  
 18 (the "April 7, 2008, Order") reassigning the ATR Action from this District Court to Judge  
 19 Carlson in the Bankruptcy Court (a copy of the April 7, 2008, Order is attached hereto as  
 20 Exhibit A); and

21 WHEREAS, pursuant to the April 7, 2008, Order, ATR has submitted all filing fees  
 22 and paper work necessary to effect the reassignment, and the ATR Action now is pending  
 23 before Judge Carlson as *ATR-Kim Eng Financial Corp. et al. v. Monica Araneta*, Adv. Proc.  
 24 No. 08-3031 TEC.

25 WHEREFORE, due to the reassignment of the ATR Action from the District Court to  
 26 the Bankruptcy Court, the Parties agree and stipulate that the ATR Action, insofar as it  
 27 remains pending before the District Court, should be administratively transferred to the Hon.  
 28 Thomas E. Carlson of the Bankruptcy Court under the adversary proceeding entitled *ATR-*

STIPULATION RE REASSIGNMENT; ORDER THEREON

1 *Kim Eng Financial Corp. et al. v. Monica Araneta*, Adv. Proc. No. 08-3031 TEC.

2  
3 **STIPULATION**

4 The parties to the above-captioned action — Plaintiffs ATR-Kim Eng Financial  
5 Corporation and ATR-Kim Eng Capital Partners, Inc., and Defendants Hugo Nery Bonilla  
6 and Monica Araneta — by and through their respective undersigned counsel, hereby  
7 AGREE AND STIPULATE that the above-captioned action, insofar as it remains pending  
8 before the District Court, should be reassigned and administratively transferred to the Hon.  
9 Thomas E. Carlson of the Bankruptcy Court under the adversary proceeding entitled *ATR-*  
10 *Kim Eng Financial Corp. et al. v. Monica Araneta*, Adv. Proc. No. 08-3031 TEC.

11 Dated: June 12, 2008

HOWARD RICE NEMEROVSKI CANADY  
FALK & RABKIN  
A Professional Corporation

12  
13 By: 

LONG X. DO

14 Attorneys for ATR-KIM ENG FINANCIAL  
15 CORPORATION and ATR-KIM ENG CAPITAL  
16 PARTNERS, INC.

17  
18 Dated: June \_\_, 2008

MACDONALD AND ASSOCIATES  
ALBERT K. MARTIN, ESQ.

19  
20 By: \_\_\_\_\_

ALBERT K. MARTIN

21 Attorneys for HUGO N. BONILLA

22  
23  
24 Dated: June 12, 2008

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26 By: 

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27 Attorneys for MONICA ARANETA

28 STIPULATION RE REASSIGNMENT; ORDER THEREON

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1 *Kim Eng Financial Corp. et al. v. Monica Araneta*, Adv. Proc. No. 08-3031 TEC.

3 **STIPULATION**

4 The parties to the above-captioned action — Plaintiffs ATR-Kim Eng Financial  
5 Corporation and ATR-Kim Eng Capital Partners, Inc., and Defendants Hugo Nery Bonilla  
6 and Monica Araneta — by and through their respective undersigned counsel, hereby  
7 AGREE AND STIPULATE that the above-captioned action, insofar as it remains pending  
8 before the District Court, should be reassigned and administratively transferred to the Hon.  
9 Thomas E. Carlson of the Bankruptcy Court under the adversary proceeding entitled *ATR-*  
10 *Kim Eng Financial Corp. et al. v. Monica Araneta*, Adv. Proc. No. 08-3031 TEC.

11 Dated: June \_\_, 2008

HOWARD RICE NEMEROVSKI CANADY  
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13 By: \_\_\_\_\_  
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17 PARTNERS, INC.

18 Dated: June \_\_, 2008

MACDONALD AND ASSOCIATES

19 ALBERT K. MARTIN, ESQ.

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24 Dated: June \_\_, 2008

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28 Attorneys for MONICA ARANETA

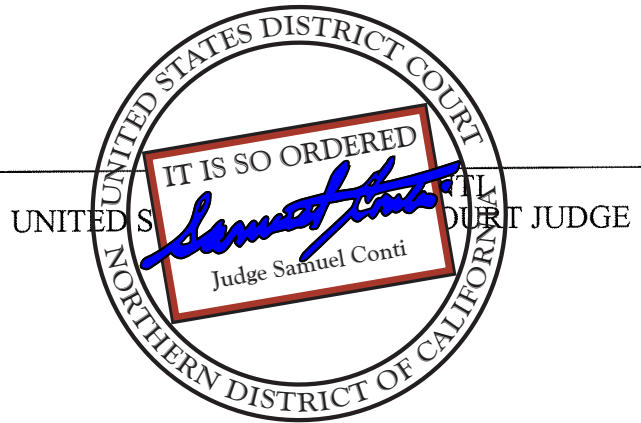
STIPULATION RE REASSIGNMENT; ORDER THEREON

**ORDER**

Pursuant to the foregoing Stipulation,

**IT IS HEREBY ORDERED** that the above-entitled action shall immediately be reassigned and transferred to the Hon. Thomas E. Carlson of the Bankruptcy Court as adversary proceeding *ATR-Kim Eng Financial Corp. et al. v. Monica Araneta*, Adv. Proc. No. 08-3031 TEC.

DATED: 6/13/08



HOWARD  
RICE  
NEMEROVSKI  
CANADY  
FALK  
& RABKIN  
A Professional Corporation

STIPULATION RE REASSIGNMENT; ORDER THEREON

**EXHIBIT A**

Entered on Docket

April 07, 2008

GLORIA L. FRANKLIN, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA



Signed and Filed: April 07, 2008

A handwritten signature in black ink, appearing to read "T. E. Carlson", is written over a horizontal line.

THOMAS E. CARLSON  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re	)	Case No. 07-30309 TEC
	)	
HUGO NERY BONILLA,	)	Chapter 7
	)	
Debtor.	)	
	)	
ATR-KIM ENG CAPITAL PARTNERS, INC.,	)	Adv. Proc. No. 08-3031 TC
and ATR-KIM ENG FINANCIAL	)	
CORPORATION,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
HUGO NERY BONILLA and MONICA	)	
ARAENTA,	)	
	)	
Defendants.	)	

ORDER RE ADMINISTRATIVE MOTION TO CONSIDER  
WHETHER CASES SHOULD BE RELATED

On March 16, 2007, Hugo Bonilla filed the above-captioned bankruptcy case. On December 10, 2007, pursuant to 28 U.S.C. § 1452(a) and Fed. R. Bankr. Proc. 9027, ATR-Kim Eng Capital Partners, Inc. and ATR-Kim Eng Financial Corp. (collectively, ATR) filed in the United States District Court a notice of removal of the California state-court action *ATR-Kim Eng Financial Corp. and*

ORDER RE PLAINTIFFS' ADMINISTRATIVE MTN.1-

1 ATR-Kim Eng Capital Partners, Inc. v. Hugo Bonilla and Monica  
2 Araenta, San Mateo County Superior Court case no. CIV-460691,  
3 assigned District Court case no. CV-07-6239 (SC) (N.D. Cal.) (the  
4 Removed Action).

5 On February 6, 2008, ATR filed in bankruptcy adversary  
6 proceeding no. 07-3079 an Administrative Motion to Consider Whether  
7 Cases Should be Related. On March 11, 2008, Debtor filed an  
8 objection to the Administrative Motion.

9 Because the Removed Action was not already pending in the  
10 District Court at the time the bankruptcy case was filed, and  
11 because the Removed Action is related to the above-captioned  
12 bankruptcy case, the notice of removal should have been filed in  
13 the bankruptcy court, and not in the District Court. See L.B.R.  
14 5011-1(a). Although the notice of removal was filed in the  
15 District Court, the Removed Action was still automatically referred  
16 to the bankruptcy court. See id. The court enters this order  
17 clarifying that the Removed Action was automatically referred to  
18 this court (see Fed. R. Bankr. P. 9027(e)), and orders as follows:

19 (1) The Removed Action is assigned adversary proceeding no.  
20 08-3031 TC, and shall be assigned to the above-signed as a  
21 proceeding related to bankruptcy case no. 07-30309 and to adversary  
22 proceeding nos. 07-3079 and 07-3081.

23 (2) On or before April 14, 2008, ATR shall:

24 (a) pay the Clerk's Office the \$250 fee for opening the  
25 above-captioned adversary proceeding; and

26 (b) file an adversary proceeding cover sheet.

27

28

ORDER RE PLAINTIFFS' ADMINISTRATIVE MTN-2-



1 (3) The court will enter a separate order setting a status  
2 conference in adversary proceeding no. 08-3031 for April 11, 2008  
3 at 9:30 a.m.

4 \*\*END OF ORDER\*\*  
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ORDER RE PLAINTIFFS' ADMINISTRATIVE MTN.3 -

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